

**OLD DOMINION UNIVERSITY
BOARD OF VISITORS
Friday, April 7, 2006**

M I N U T E S

The Board of Visitors of Old Dominion University met in regular session on Friday, April 7, 2006, at 1:15 p.m. in the Board Room of Webb University Center on the Norfolk campus. Present from the Board were:

Ross A. Mugler, Vice Rector
Kenneth E. Ampy
Frank Batten, Jr.
Kendra M. Croshaw
David W. Faeder
Harold W. Gehman, Jr.
Marc Jacobson
Pamela C. Kirk
Robert J. O'Neill
Moody E. Stallings, Jr.
Katherine A. Treherne
Naaila Gray (*Student Representative*)

Absent were: Robert O. Copeland
Conrad M. Hall
James A. Hixon
Mark E. Strome
Pat Tsao
Patricia M. Woolsey

Also present were:

Roseann Runte, President	William R. Fisher
Judy Bowman	Thomas Isenhour
Alonzo Brandon	Donna W. Meeks
John R. Broderick	Jennifer Mullen
Dana D. Burnett	Dwayne Smith
Stephen Daniel	Karen Travis
Robert L. Fenning	James D. Wright

CALL TO ORDER AND APPROVAL OF MINUTES

In the absence of the Rector, Ross Mugler, Vice Rector, presided. Mr. Mugler called the meeting to order at 1:25 p.m. and asked for approval of the minutes of the regular meeting held on December 16, 2005. Upon a motion made by Adm. Gehman and seconded by Mr. Jacobson, the minutes were approved as distributed by all members present and voting. (*Ampy, Faeder, Gehman, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne; Mr. Batten and Ms. Croshaw not present during vote.*)

PRESIDENT'S REPORT

President Runte shared the House, Senate and Governor's versions of the budget and reported that she has met with the Governor and legislators to promote Old Dominion's cause for additional funding.

The President reported on plans for the University College. She described its development as a student retention initiative and inclusion in the 2005-2006 Strategic Plan, the three functional roles of the College, and plans for implementation. She also reported on a very successful Research Expo held on April 5 in collaboration with Norfolk State University and Eastern Virginia Medical School.

The President reported on campus crime statistics, indicating that Old Dominion is among the top three safest campuses in Virginia.

President Runte reported on the efforts of the Enrollment Management Commission. She explained that the group's focus is on improved reporting and coordination. An outside consultant, Noel-Levitz, rated Old Dominion as highly selective, and the University has shifted its marketing efforts as a result. Targeted scholarships and hosting academic competitions such as the Blue Crab Bowl, the National Geography Bee and the Engineering Robotics Competition are examples of such marketing efforts.

In her athletic report, President Runte shared the results of a consultant's report on the state of the current athletic program and the implementation of football. She also noted the participation of the men's and women's basketball teams in the NIT and NCAA tournaments, and provided an update on the football land negotiations with the City.

The President briefed the Board on recent public relations efforts, upcoming events and personal achievements. The Board congratulated her on her awards, particularly the NCCJ Humanitarian Award and the YWCA Women of Distinction Award.

President Runte concluded her report with an update on efforts to establish a Community Development Corporation. She noted that the paperwork has been filed and that she would brief the Board on a related opportunity at a future meeting.

REPORTS OF STANDING COMMITTEES

AUDIT REPORT

The Vice Rector called on Mr. Stallings for the report of the Audit Committee. Mr. Stallings reported that the Audit Committee held its first meeting on Friday, January 13, at the Virginia Modeling, Analysis and Simulation Center. Mr. Hennett, Internal Audit Director, discussed the different roles and functions of the external and internal auditors, the development of the annual Audit Plan, and the steps taken when major issues (such as charges of embezzlement) are reported to the State's Fraud Hotline. He also noted the hiring of the new Compliance Auditor and the formation of a university-wide Compliance Committee.

The Committee addressed Mr. Mugler's concerns that the Internal Auditor does not report directly to the Board, and concluded that the Board had access to anything that the auditor had and the auditor had a duty to report to the Board any irregularities he may discover.

The next meeting of the Audit Committee will be scheduled in May, at which time the Committee will hear a report from the APA on its annual audit of the University.

ACADEMIC AND RESEARCH ADVANCEMENT COMMITTEE

The Vice Rector called on Dr. Treherne for the report of the Academic and Research Advancement Committee. Dr. Treherne reported that the Committee met in closed session to consider candidates for honorary degrees and a tenure appointment.

The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved by all members present and voting. (*Ampy, Batten, Croshaw, Faeder, Gehman, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne*)

HONORARY DEGREE RECOMMENDATIONS

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the awarding of an honorary degree to the individuals noted below. A summary of each nominee's career is contained in the Academic and Research Advancement Committee agenda.

1. Elaine Jones, Civil rights leader and retired president of the NAACP Legal Defense and Educational Fund
Doctor of Humane Letters (*honoris causa*)
2. Patricia King, professor of law, medicine, ethics and public policy at Georgetown Law Center
Doctor of Humane Letters (*honoris causa*)
3. Dava Sobel, award-winning writer and former *New York Times* science reporter
Doctor of Letters (*honoris causa*)
4. Julie Taymor, theatrical designer, producer and director
Doctor of Letters (*honoris causa*)
5. Patricia Williams, law professor, columnist and public intellectual
Doctor of Humane Letters (*honoris causa*)
6. Muhammad Yunus, Bangladeshi banker and developer and founder of the concept of microcredit
Doctor of Humane Letters (*honoris causa*)

The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved by all members present and voting. (*Ampy, Batten, Croshaw, Faeder, Gehman, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne*)

HONORARY DEGREE RECOMMENDATION

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the awarding of an honorary degree to the individual noted below, subject to approval by the University's Honorary Degrees Committee.

1. Wolf Blitzer, CNN anchor and reporter
Doctor of Humane Letters (*honoris causa*)

The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved by all members present and voting. (*Ampy, Batten, Croshaw, Faeder, Gehman, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne*)

TENURE APPOINTMENT

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the award of tenure to Dr. Michael L. McGinnis in the Department of Engineering Management and Systems Engineering, effective April 7, 2006. A summary of Dr. McGinnis's curriculum vitae is contained in the Academic & Research Advancement Agenda.

Salary: \$131,562 for 10 months

Rank: Professor of Engineering Management and Systems Engineering and Executive Director of the Virginia Modeling, Analysis and Simulation Center

The Committee approved resolutions on 18 faculty appointments, nine administrative appointments, an administrative title change, and six emeritus appointments. The following resolutions were brought forth as recommendations of the Academic and Research Advancement Committee and were approved by all members present and voting. (*Ampy, Batten, Croshaw, Faeder, Gehman, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne*)

FACULTY APPOINTMENTS

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the following faculty appointments.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Ms. Heidi M. Bialk Postdoctoral Research Associate Department of Chemistry and Biochemistry	\$38,000	5/10/06	12 mos

Ms. Bialk received a B.S. in Chemistry from Bemidji State University and is a Ph.D. candidate in Molecular and Environmental Studies at the University of Wisconsin-Madison. Since 2002, she has been a Teaching Assistant and Graduate Research Assistant in the Molecular and Environmental Toxicology Center at the University of Wisconsin-Madison.

Ms. Kelly Ann Cheeseman Lecturer of Communication and Theatre Arts (Tenure Track)	\$49,000	7/25/06	10 mos
---	----------	---------	--------

Ms. Cheeseman received an M.S. in Criminal Justice/Criminology in 1999 from Sam Houston State University, a B.S. in Criminal Justice/Corrections with a double major in Psychology from Youngstown State University and is expected to receive a Ph.D. in Criminal Justice from Sam Houston State University in 2006. Since 2005 she has been Unit Culture Profile Coordinator for the Texas Department of Criminal Justice Correctional Institutional Division, Safe Prison Program. Ms. Cheeseman is also an Assistant Instructor and Teaching Fellow in the College of Criminal Justice at Sam Houston State University. (Rank will be Assistant Professor if all requirements for the Ph.D. degree are completed by August 31, 2006)

Mr. Norou Diawara Instructor of Mathematics and Statistics (Tenure Track)	\$64,000	7/25/06	10 mos
---	----------	---------	--------

Mr. Diawara received an M.S. in Mathematics and Statistics in 2000 from the University of South Alabama, an M.S. in Mathematics in 1997 from University of Le Havre, France, a B.A. in Mathematical Sciences in 1993 from the University Cheick Anta Diop in Dakar, Senegal, and is expected to receive a Ph.D. in Statistics from Auburn University in 2006. Since 2003, he has been a Teaching Assistant and Lecturer in the Department of Mathematics and Statistics at Auburn University. Prior to that, Mr. Diawara was a Teaching Assistant at Jones International University in Denver, Colorado. (Rank will be Assistant Professor if all requirements for the Ph.D. degree are completed by August 31, 2006)

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Jennifer N. Fish Associate Professor of Women's Studies (Tenure Track)	\$56,000	7/25/06	10 mos

Dr. Fish received a Ph.D. in Sociology in 2003 from American University and an M.A. in Counseling and Higher Education and a B.A. in Psychology, in 1993 and 1991 respectively, from Bowling Green State University. Since 2004, she has been Chair of Women's Studies and Professor of Sociology at Warren Wilson College. Prior to that, Dr. Fish was a Visiting Assistant Professor in the Department of Sociology at Syracuse University

Dr. Andrew Gordus Assistant Professor of Foreign Languages and Literatures (Tenure Track)	\$43,500	7/25/06	10 mos
---	----------	---------	--------

Dr. Gordus received a Ph.D. in Spanish in 2003 from Arizona State University, an M.A. in Spanish in 1993 from Bowling Green State University and a B.A. in Chemistry and Spanish in 1990 from Wabash College. Since 2003, he has been an Assistant Professor of Spanish at Hampton University. Dr. Gordus has also been an Adjunct Faculty in Spanish at Irvine Valley College, Golden West College, Chapman University and Cypress College.

Dr. Alex D. Greenwood Assistant Professor of Biological Sciences (Tenure Track)	\$54,000	7/25/06	10 mos
---	----------	---------	--------

Dr. Greenwood received a Ph.D. in Human Genetics in 1996 from the University of Michigan and a B.A. in Genetics in 1990 from Cornell University. He is currently a Postdoctoral Research Fellow at the Institute of Molecular Virology, GSF-Research Center for Environment and Health, Munich, Germany and a Research Associate in the Department of Vertebrate Zoology at the American Museum of Natural History, NY.

Dr. Patricia Hentosh Professor of Medical Laboratory and Radiation Sciences (Tenure Track)	\$95,000	12/25/05	10 mos
--	----------	----------	--------

Dr. Hentosh received a Sc.D. and an S.M., in 1984 and 1980 respectively, from Harvard University, School of Public Health and a B.S. in Zoology in 1971 from Ohio State University. Since 2000, she has been a Professor and Chairperson in the Department of Pharmacology at Kansas City University of Medicine and Biosciences (formerly University of Health Sciences). Prior to that, Dr. Hentosh was an Associate Professor in the Department of Cellular and Molecular Pharmacology at Chicago Medical School.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Chansog (Francis) Kim Associate Professor of Accounting (Tenure Track)	\$135,000	7/25/06	10 mos

Dr. Kim received a Ph.D. in Accounting from Baruch College of City University of New York in 1994, an M.B.A. in 1986 from Western Illinois University and a B.A. in Economics in 1981 from Sogang University, Seoul, Korea. Since 2004, he has been a Visiting Associate Professor in the Department of Accounting at City University of Hong Kong. Since 1994, Dr. Kim has been a tenured Associate Professor and Assistant Professor at Queens College, City University of New York.

Ms. Rita Klahr Lecturer of Nursing	\$21,600	1/10/06	5 mos
---------------------------------------	----------	---------	-------

Ms. Klahr received an M.S.N. in Family Nurse Practitioner in 1998 from Old Dominion University and a B.S.N. in 1966 from UCLA, Los Angeles. Since 2004, she has been an Adjunct faculty member and a facilitator for a Cultural Competency Grant in the School of Nursing at Old Dominion University. From 1999-2004, Ms. Klahr was a Family Nurse Practitioner at EVMS Department of Family and Community Medicine. (one semester appointment)

Dr. Karen Kott Associate Professor of Physical Therapy (Tenure Track)	\$72,000	7/25/06	10 mos
---	----------	---------	--------

Dr. Kott received a Ph.D. in Learning and Instruction-Special Education, an M.S. in Exceptional Children Education-Mental Retardation and a B.S. in Physical Therapy, in 1997, 1983 and 1975, from the State University of New York at Buffalo. Since 2003, she has been an Associate Professor in the Department of Physical Therapy at Hampton University. Prior to that, Dr. Kott was an Assistant Professor in the Department of Physical Therapy Education at State University of New York-Upstate Medical University.

Mr. Nathan Luetke Instructor of Engineering Technology	\$25,000	12/25/05	5 mos
---	----------	----------	-------

Mr. Luetke received a B.S. in Mechanical Engineering Technology in 2000 and is expected to receive an M.S. in Mechanical Engineering in May 2006 from Old Dominion University. Since 2005, he has been a Radiological Engineer at Lockheed Martin. Prior to that, Mr. Luetke was a Graduate Teaching Assistant and an Adjunct Professor in the Department of Engineering Technology at Old Dominion University. (one semester appointment)

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Timothy J. Motley Associate Professor of Biological Sciences (Tenure Track)	\$80,000	7/25/06	10 mos

Dr. Motley received a Ph.D. in Botany and EECB in 1996 from the University of Hawaii and an M.S. and B.S. in Botany, in 1989 and 1987 respectively, from Eastern Illinois University. Since 2004, he has been the Associate Curator at The Lewis B. and Dorothy Cullman Program for Molecular Systematics Studies, The New York Botanical Garden; he served as Acting Department Chairman in 1999-2000 and 2001-02. (Designated at the J. Robert-Stiffler Distinguished Professor of Plant Science.)

Dr. Jonathan F. Phillips Assistant Professor of History (Tenure Track)	\$44,000	7/25/06	10 mos
--	----------	---------	--------

Dr. Phillips received a Ph.D. in American History in 2003 from the University of North Carolina at Chapel Hill, an M.L.A. in History, Literature from Johns Hopkins University and a B.A. in History from the University of North Carolina at Chapel Hill. Since 2005, he has been a Post-Doctoral Fellow for the Institute for Southern Studies at the University of South Carolina. In 2004-2005, he was a Visiting Assistant Professor in the Department of History at Texas A&M University.

Dr. Michael Stein Associate Professor of Accounting (Tenure Track)	\$120,000	7/25/06	10 mos
--	-----------	---------	--------

Dr. Stein received a Ph.D. in Accounting in 1988 from the University of British Columbia, an M.A. in Economics in 1981 from the University of Pennsylvania, a B.B.A. in Accounting in 1980 from Wharton School, University of Pennsylvania and a B.A. in Philosophy in 1975 from Rutgers College. Since 1999, he has been an Associate Professor in the Lundquist College of Business at the University of Oregon. Prior to that, Dr. Stein was an Associate Professor, Faculty of Management at the University of Calgary.

Mr. Craig O. Stewart Instructor of English (Tenure Track)	\$47,000	7/25/06	10 mos
---	----------	---------	--------

Mr. Stewart received an M.S. in Cognitive Psychology in 2000 from the University of Memphis, a B.S. in Psychology in 1997 from Lambuth University, and is expected to receive a Ph.D. in Rhetoric in May 2006 from Carnegie Mellon University. Since 2005, he has been an Editorial Assistant, *Language in Society*, for Barbara Johnstone, Editor. Mr. Stewart has also been a Research Associate, Graduate Instructor and Website Writer at Carnegie Mellon University. (Rank will be Assistant Professor if all requirements for the Ph.D. degree are completed by July 25, 2006)

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Andreas Tolk Associate Professor of Engineering Management and Systems Engineering (Tenure Track)	\$75,500	7/25/06	10 mos

Dr. Tolk received a Ph.D. and an M.S. in Computer Science, in 1995 and 1988 respectively, from University BwM, Munich, Germany and a B.S. in Mathematics and Physics in 1983 from Beisenkamp Gymnasium, Hamm, Germany. Since 2002, he has been an Affiliated Associate Professor in Engineering and Computer Science and a Senior Research Scientist in the Virginia Modeling, Analysis and Simulation Center at Old Dominion University.

Dr. Brian Ward Assistant Professor of Ocean, Earth and Atmospheric Sciences (Tenure Track)	\$65,000	4/10/06	10 mos
--	----------	---------	--------

Dr. Ward received a Ph.D. in Oceanography and a B.Sc. in Applied Physics, in 1998 and 1992 respectively, from the National University of Ireland, Galway. Since 2002, he has been a Postdoctoral Investigator in the Department of Applied Ocean Physics and Engineering at Woods Hole Oceanographic Institution. Prior to that, Dr. Ward was a Postdoctoral Associate at NOAA/AOML-RSMAS, Miami.

Dr. Diana K. Williams Visiting Assistant Professor of Biological Sciences	\$19,000	7/25/06	5 mos
--	----------	---------	-------

Dr. Williams received a Ph.D. in Anatomical Sciences in 1993 from the State University of New York at Buffalo and a B.S. in Biology in 1985 from Oregon State University. Since 2004, she has been a Visiting Assistant Professor in the Department of Biological Sciences at Old Dominion University. Prior to that, Dr. Williams was a Senior Lecturer in the Department of Leisure Studies at Christopher Newport University and an Assistant Professor in the Department of Biology at Santa Clara University.

APPOINTMENT OF INTERNATIONAL STUDENT ADVISOR

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Freida P. Brocklebank as International Student Advisor for the Office of International Programs, effective January 25, 2006.

Ms. Brocklebank received an M.A. in TESOL (Teaching English to Speakers of Other Languages) in 2001 from the University of Central Florida and a B.A. in Spanish in 1997 from Eckerd College. Since 2003, she has been SEVIS Compliance Coordinator in the International Student and Scholar Services Office at Florida Institute of Technology. Prior to that, Ms. Brocklebank was Pathways Coordinator for ASPECT International Language Academies at the University of Central Florida.

Salary: \$28,770 for 12 months

Rank: International Student Advisor and Instructor

APPOINTMENT OF LEARNING COORDINATOR DISABILITY SERVICES

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Kathleen A. Broderick as Learning Coordinator for Disability Services, effective January 23, 2006.

Ms. Broderick received an M.S. in Education and a B.S. in Elementary Education, in 1993 and 1990 respectively, from St. Bonaventure University. She is currently a part-time staff member in the Office of Disability Services. Prior to that, Ms. Broderick was employed as a teacher for Chesapeake Public Schools.

Salary: \$44,000 for 12 months (prorated salary for 1/23/06-6/24/06 is \$18,667)

Rank: Learning Coordinator, Disability Services and Instructor

APPOINTMENT OF ACTING VICE PROVOST FOR DISTANCE LEARNING

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Dr. Nancy J. Cooley as Acting Vice Provost for Distance Learning, effective February 25, 2006.

Dr. Cooley earned a B.S. in Ed. from Central Michigan University, an M.A.T. from Oakland University and a Ph.D. in Curriculum, Teaching, and Psychological Studies from the University of Michigan. She completed a full-year post-doctoral fellowship as the Helen L. DeRoy Fellow in

Educational Leadership at Michigan State University and earned certificates from the CAUSE National Management Institute in Boulder, Colorado, and the Management Development Program at the Harvard Graduate School of Education.

Prior to joining Old Dominion University, Dr. Cooley served as the Academic Affairs and Planning Director at the State Council of Higher Education for Virginia (SCHEV). From September 2003 to August 2004 she served as the Acting Executive Director of SCHEV. Prior to her arrival at SCHEV, Dr. Cooley served as Dean of the College of Education and Human Services at Ferris State University (FSU) in Michigan. Before assuming the FSU deanship, she held leadership positions in the Offices of Information Technology, Academic Affairs, and the Department of Teacher Education and Professional Development at Central Michigan University.

Salary: \$155,000 for 12 months

Rank: Acting Vice Provost for Distance Learning and Assistant Professor

**APPOINTMENT OF ASSISTANT DIRECTOR/
LIAISON TO THE COLLEGE OF SCIENCES
CAREER MANAGEMENT CENTER**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Koren S. Goodman as Assistant Director/Liaison to the College of Sciences in the Career Management Center, effective December 25, 2005.

Ms. Goodman received an M.S.Ed. in Educational Leadership and Counseling and a B.S. in Human Services Counseling, in 2005 and 2003 respectively, from Old Dominion University. Since 2005, she has been Program Coordinator at the National Association of Student Personnel Administrators (NASPA), Washington, D.C. She was a Graduate Research Assistant to the Vice Provost for Graduate Studies and Research at Old Dominion University for the 2004-05 academic year.

Salary: \$33,000 for 12 months

Rank: Assistant Director/Liaison to the Colleges of Sciences, Career Management Center and Instructor

**APPOINTMENT OF RESEARCH TECHNICAL ASSOCIATE
COLLEGE OF SCIENCES**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Susan A. Hatcher as Research Technical Associate, College of Sciences, effective December 25, 2005.

Ms. Hatcher received a B.S. in Chemistry in 1990 from George Mason University. Since 1998, she has been a Research Associate in the Department of Chemistry at Ohio State University. Prior to that, Ms. Hatcher was a Research Associate for the Penn State University Mass Spectrometry Facility.

Salary: \$55,000 for 12 months

Rank: Research Technical Associate and Assistant Instructor

APPOINTMENT OF DIRECTOR
FIRST YEAR TRANSITION PROGRAM

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Judy Luedtke as Director of the First Year Transition Program, Division of Student Affairs, effective April 10, 2006.

Ms. Luedtke received an M.S. in Educational Psychology from the University of Wisconsin - Milwaukee and a B.A. in Political Science from Carthage College. Since 1998, she has been Director of Orientation at the University of South Florida. Prior to that, Ms. Luedtke was Senior Student Services Coordinator at the University of Wisconsin - Waukesha.

Salary: \$55,000 for 12 months

Rank: Director, First Year Transition Program, and Instructor

APPOINTMENT OF CORPORATE PROGRAMS
MANAGER/ASSOCIATE DIRECTOR
VIRGINIA APPLIED TECHNOLOGY AND
PROFESSIONAL DEVELOPMENT CENTER
BATTEN COLLEGE OF ENGINEERING AND TECHNOLOGY

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. J. Kim McNutt as Corporate Programs Manager/Associate Director, Virginia Applied Technology and Professional Development Center (VATPDC), effective January 10, 2006.

Mr. McNutt received a B.A. in 1982 from New Mexico State University and is expected to receive an M.A. in May 2006 from Southern Methodist University. Since 2001, he has been Director of Distance and Graduate Education Programs at Southern Methodist University. Prior to that, Mr. McNutt was Manager of Distance Education/Video Production at New Mexico State University.

Salary: \$56,000 for 12 months

Rank: Corporate Programs Manager/Associate Director, Virginia Applied Technology and Professional Development Center, and Instructor in the Batten College of Engineering and Technology

APPOINTMENT OF RESEARCH ASSOCIATE FOR ASSESSMENT

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Tisha M. Paredes as Research Associate for Assessment in the Office of Institutional Research and Assessment, effective March 25, 2006.

Ms. Paredes received a Master of Science in Applied Health Physiology in 2002 from Salisbury University, a B.S. in Exercise Science in 2000 from Salisbury State University and is enrolled in a Ph.D. in Urban Services program at Old Dominion University. Since 2005, she has been a Graduate Research Assistant in the Office of Institutional Research and Assessment at Old Dominion University. Prior to that, she was a Graduate Research Assistant for the Office of Assessment and Evaluation in the Office of Student Affairs at Old Dominion.

Salary: \$41,000 for 12 months

Rank: Research Associate for Assessment and Instructor

APPOINTMENT OF HEAD OF REFERENCE AND RESEARCH SERVICES

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Elizabeth M. Vihnanek as Head of Reference and Research Services, Perry Library, effective February 10, 2006.

Ms. Vihnanek received an M.L.S. in Reference and Academic Libraries from Rosary College, an M.A. in Curriculum and Instruction from Concordia College and a B.A. in Education from Concordia Teachers College. She comes to Old Dominion University from Western Carolina University where she is Reference Librarian, Director of Curriculum Materials/Maps Center and Remote Services Librarian at Hunter Library. Prior to that, Ms. Vihnanek served as Head of Reference Services and Director of the Curriculum Library and Idea Center at Concordia University.

Salary: \$64,000 for 12 months

Rank: Head, Reference and Research Services

ADMINISTRATIVE TITLE CHANGE

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the following title change, effective June 25, 2006.

John P. Broderick From Acting Vice Provost for Undergraduate Studies and Distance Learning and Professor (with tenure) to Interim Vice Provost and Dean of the University College and Professor (with tenure)

Salary: \$135,000

Rationale: Dr. Broderick's initial responsibilities in the Office of Academic Affairs focused on undergraduate studies and distance learning. However, with the appointment of Nancy Cooley as Acting Vice Provost for Distance Learning, Dr. Broderick will now focus on undergraduate studies and the implementation of the University College.

EMERITUS APPOINTMENTS

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the granting of the title of emeritus to the following faculty members. A summary of each faculty member's accomplishments follows.

<u>Name and Rank</u>	<u>Effective Date</u>
William S. Bartolotta Associate Professor Emeritus of Music	January 1, 2006
Keith A. Carson Associate Professor Emeritus of Biological Sciences	June 1, 2006
William H. Crouch Associate Professor Emeritus of Information Technology and Decision Sciences	June 1, 2006
Glenn A. Gerdin Associate Professor Emeritus of Electrical and Computer Engineering	January 1, 2006
Shunichi Toida Professor Emeritus of Computer Science	January 1, 2006
John E. Turner Associate Professor Emeritus of Occupational and Technical Studies	June 1, 2006

William S. Bartolotta

William S. Bartolotta received a Bachelor of Music Education, a Bachelor of Music and a Master of Music from the Hartt College of Music of the University of Hartford and a D.M.A. from The Catholic University of America. He joined Old Dominion University in 1968 and attained the rank of Associate Professor of Music in 1978.

While at Old Dominion, Bartolotta had well over 35 solo performances and recorded four CDs. He also performed at professional conferences in Illinois, Maryland, New Mexico, New York, Ohio and Virginia and was first trumpet and leader of the ODU Brass Quintet since 1967. He has a three-volume publication on technical studies for the trumpet and has had many of his arrangements for Brass Ensemble published by Solid Brass Publishers.

Bartolotta made substantial contributions in teaching trumpet, brass music theory and conducting at all levels. He served in the University Faculty Senate and on numerous college committees. In the community, he served as part of the Virginia Symphony and the Virginia Wind Symphony for many years.

Keith A. Carson

Keith A. Carson received a B.S. from North Carolina State University and a Ph.D. from the University of North Carolina. He joined Old Dominion in 1981 and attained the rank of Associate Professor of Biological Sciences in 1986.

Carson established the University's Electron Microscopy Laboratory and served as its director during his tenure at Old Dominion. The laboratory is an essential part of the department's operations and is used extensively by ODU faculty as well as faculty at other institutions. He served as director of the biomedical sciences Ph.D. program, offered jointly by Old Dominion and Eastern Virginia Medical School, from 1989-1998 and as the program's graduate program director for the Biology Department from 1985-1998. In addition, he has been an adjunct associate professor of pathology and anatomy at EVMS since 1986.

One of Carson's research efforts involves shrews, and he will continue that and related research in the future. Because of his expertise in electron microscopy, he will continue to be involved with graduate students in the Biology Department.

William H. Crouch

William H. Crouch received an A.B. and M.S. from the University of Colorado and a Ph.D. from the University of Northern Colorado. He joined Old Dominion University in 1978 and attained the rank of Associate Professor of Information Technology and Decision Sciences in 1983.

Crouch has served as chair of the Department of Information Technology and Decision Sciences since 1998. In addition to his administrative responsibilities, he has taught in a highly technical discipline that constantly changes and has received several teaching awards during his tenure at Old

Dominion. He won the “Most Inspiring Professor” award six times and was nominated for the 2005 Dominion Virginia Outstanding Faculty Award – Teaching with Technology designee. He was named University Professor in 2004. Crouch was named Outstanding Management Information Systems Faculty Member in 1998, won the College of Business and Public Administration Outstanding Teaching Award in 1985 and 2004, won the Outstanding Student Chapter Faculty Advisor Award in 1995, and was given the Outstanding Faculty award from the Office of Student Activities and Leadership in 1997.

Glenn A. Gerdin

Glenn A. Gerdin received a B.S. from the University of Minnesota and a Ph.D. from Dartmouth College. He joined Old Dominion University in 1987 as an Associate Professor of Electrical and Computer Engineering.

During his career at ODU, Gerdin taught classes in many areas including electronics, instrumentation, senior design, and freshman projects. His technical areas of expertise included nuclear engineering, plasma engineering, particle diagnostics, and pulsed power engineering. He was also known for research on curricular enhancements in electrical and computer engineering. In 2000, Gerdin was awarded a prestigious CCLI grant from the National Science Foundation to develop and introduce a new course on computer-based laboratory instrumentation, and he taught the course twice every year since its introduction.

From 2000-05, Gerdin served as the freshman advisor for electrical and computer engineering and was an active member of the undergraduate committee for the department. As a teacher, he was known for rigor, thoroughness and attention to students. His devotion to students led to his winning the Batten College of Engineering and Technology Award for Excellence in Faculty Advising.

Shunichi Toida

Shunichi Toida received a B.S. from the University of Tokyo and an M.S. and Ph.D. from the University of Illinois at Urbana – Champaign. He joined Old Dominion University in 1982 as Professor of Computer Science.

During his career, Toida worked in three research areas: graph theory, fault diagnosis and fault tolerant computing, and applications of artificial intelligence to education. One of the theorems he discovered and proved has recently been adopted in undergraduate textbooks on graph theory. In the field of fault diagnosis and fault tolerant computing, one of the papers he coauthored with a colleague became the basis for the most efficient fault detection methods for VLSI circuits. In the application of artificial intelligence to education, Toida has been developing on-line self-assessment systems for theoretical computer science courses that have the capability of automatically checking the correctness of students’ answers.

One of Toida’s major contributions to teaching is the development of Internet course materials for two theoretical computer science core courses. His major contributions in service include the development of computer science undergraduate and graduate programs. He served as graduate

program director for the department twice and assisted the department chair in starting the Ph.D. program in computer science.

John E. Turner

John E. Turner received a B.S. from Virginia Polytechnic Institute and State University, an M.S. from Virginia Commonwealth University and an Ed.D. from Virginia Polytechnic Institute and State University. He joined Old Dominion University in 1971 and attained the rank of Associate Professor of Occupational and Technical Studies in 1978.

Turner has provided quality instruction in undergraduate through doctoral classes, including courses taught through Old Dominion's TELETECHNET program. His teaching has focused on content areas related to adult education, teacher preparation, supervision of personnel, and retail marketing and entrepreneurship. In research, he has served as principal investigator, co-principal investigator, or project director for 13 state, national and international projects. His publications include journal articles, a monograph, and a book, *Marketing in a Global Economy*, with Gina Bottoms Mayo.

Turner served as chair of the Department of Vocational and Technical Education, University coordinator of vocational programs, and program leader for marketing education. His leadership contributed to the approval of several degree programs at the University, including a baccalaureate program to train trainers for business and industry that was one of the first in the nation and a baccalaureate program in merchandising.

The Committee approved proposed revisions to the Policy on Emeritus Appointments. The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved by all members present and voting. (*Ampy, Batten, Croshaw, Faeder, Gehman, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne*)

APPROVAL OF PROPOSED REVISION TO THE POLICY ON EMERITUS APPOINTMENTS

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the proposed revision to the Policy on Emeritus Appointments, effective April 7, 2006.

Rationale: Two revisions to the Policy on Emeritus Appointments are proposed. The first revision would allow the recommendation for an emeritus appointment to be made by the Provost rather than require requests and approvals from the department chair and dean. This change is intended to help insure that all retiring faculty who qualify for emeritus status are recommended. The second revision is to allow the award of emeritus status to full-time tenured faculty upon their retirement instead of the current requirement that the retiring faculty member must have served the University for ten consecutive years prior to retirement.

NUMBER: 1441

TITLE: Emeritus Appointments

APPROVED: September 28, 1972; Revised August 30, 1990;
Revised April 12, 2002; **Revised April 7, 2006**

1. The title "emeritus" shall be granted only by the Board of Visitors.
2. Eligibility for the titles of professor emeritus and associate professor emeritus shall be limited to full-time **tenured** faculty **upon their retirement** ~~who are retiring in the ranks of professor and associate professor and who have served the university for a period of not less than ten years consecutively prior to retirement.~~
3. Administrative officers who hold faculty rank and tenure, except for the president, may be named "emeritus" ~~provided they have served ten years consecutively prior to~~ **upon** retirement. The Board of Visitors may in its discretion award the honorary title of "president emeritus" to a former president upon his or her retirement.
4. To be eligible for an emeritus appointment, a faculty member shall be recommended by **the provost and vice president for academic affairs** ~~his or her chair and approved by the dean, provost and vice president for academic affairs and president.~~ Administrators shall be recommended by the president.
5. Should a qualifying faculty member die before actual retirement, his or her chair may recommend him or her for posthumous emeritus/emerita recognition.
6. Emeritus appointments carry the following lifetime privileges:
 - A. Use of the library as a faculty member.
 - B. Attendance at faculty meetings (nonvoting), at receptions and at academic processions, including commencement.
 - C. The same tuition rates for spouses and dependent children enrolled in the university as are provided for active faculty.
 - D. Listing in all university publications on the same basis as active faculty.
 - E. Receipt of all university informational bulletins that are circulated to active faculty.
 - F. Attendance at lectures, concerts, athletic events, banquets, etc., and use of university facilities, including parking lots, on the same basis as active faculty.
 - G. Office and laboratory space, or library study space, on a temporary basis, but priority will be given to active faculty, staff, and students when space is limited.

The Committee approved the proposed Bachelor of Science degree in professional writing in the College of Arts and Letters. The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved by all members present and voting. (*Ampy, Batten, Croshaw, Faeder, Gehman, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne*)

APPROVAL OF BACHELOR OF SCIENCE DEGREE IN PROFESSIONAL WRITING COLLEGE OF ARTS AND LETTERS

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the Bachelor of Science degree in Professional Writing in the College of Arts and Letters.

Rationale: The College of Arts and Letters currently offers a Bachelor of Science in Interdisciplinary Studies with a concentration in Professional Writing. The proposed Bachelor of Science in Professional Writing is an expansion of the existing program into a stand-alone degree program. In addition, all administrative responsibilities for the new degree program will be moved to the English Department, which will clarify the student's point of contact for the program. The requirements for the degree will remain the same as those in the concentration.

The Committee approved the proposal to change the name of the Division of Student Services to the Division of Student Affairs and the title of the Vice President for Student Services and Dean of Students to Vice President for Student Affairs. The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved by all members present and voting. (*Ampy, Batten, Croshaw, Faeder, Gehman, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne*)

ADMINISTRATIVE UNIT NAME CHANGE AND TITLE CHANGE

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the following changes, effective June 25, 2006. Change the nomenclature describing the University administrative unit that provides student support, counseling and out-of-class student activities and educational experiences from "Student Services" to "Student Affairs." In addition, change the Senior Student Affairs officer's title from Vice President for Student Services and Dean of Students to Vice President for Student Affairs.

Rationale: Student Affairs is the nomenclature most often used on college campuses to describe the division that is responsible for these functions. It is a more general term that was used earlier in the University's history. Changing the title of the Senior Student Affairs officer reflects the name change of the University administrative unit. In addition, through reallocation of a position, recruitment for a separate Dean of Student Life position was recently completed and an individual has been hired.

The Provost reported on the implementation of the University College, the expansion of programs at the Virginia Beach Higher Education Center, the new major in Maritime and Supply Chain Management in the College of Business and Public Administration, the SCHEV Outstanding Faculty Awards, and President Runte's receipt of the 42nd Annual Humanitarian Award from the National Conference for Community and Justice and the YWCA Woman of Distinction Award.

Tom Wunderlich, Director of the Career Management Center, presented an overview of the Center's activities. Bob Ash, Associate Vice President for Research, reported on 2005 research awards and expenditures and Federal appropriation requests for FY07.

At the conclusion of Dr. Treherne's report, President Runte commented that she and the Provost will be meeting with the President and Provost of Tidewater Community College and will soon announce new cooperative ventures.

ADMINISTRATION AND FINANCE COMMITTEE

The Vice Rector called on Mr. Faeder for the report of the Administration and Finance Committee. Mr Faeder reported that the Committee approved the Comprehensive Fee Resolution that was presented in joint session with the Academic and Research Advancement Committee. Mr. Stallings expressed his concern with rising tuition costs for in-state students, and suggested increasing out-of-state enrollments as a way to offset costs.

The following resolution was brought forth as a recommendation of the Administration and Finance Committee and was approved by all members present and voting. (*Ampy, Batten, Croshaw, Faeder, Gehman, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne*)

COMPREHENSIVE FEE RESOLUTION 2006-2007

RESOLVED, that upon the recommendation of the President, the Executive Committee of the Board of Visitors approves the following comprehensive tuition cost per credit hour for the 2006-2007 academic year beginning with the Summer 2006 semester and thereafter until otherwise adjusted by the Board of Visitors. Under unusual circumstances, the President may establish tuition rates different from these approved rates. The President must notify the Board of such changes at its next meeting.

Comprehensive Fee Per Credit Hour for the 2006-2007 Academic Year

	IN-STATE		OUT-OF-STATE	
	<u>TUITION AND FEES</u>		<u>TUITION AND FEES</u>	
	<u>FROM</u>	<u>TO</u>	<u>FROM</u>	<u>TO</u>
<u>REGULAR SESSION (1)</u>				
Undergraduate (Per Cr Hr)	\$181	\$197	\$507	\$549
Graduate (Per Cr Hr)	\$263	\$285	\$661	\$715
Teaching Assistant	\$263	\$285	\$263	\$285
Research Assistant	\$263	\$285	\$263	\$285
<u>SUMMER SESSION (1) (Summer 2006)</u>				
Undergraduate (Per Cr Hr)	\$181	\$197	\$507	\$549
Graduate (Per Cr Hr)	\$263	\$285	\$661	\$715
Teaching Assistant	\$263	\$285	\$263	\$285
Research Assistant	\$263	\$285	\$263	\$285
<u>HIGHER EDUCATION CENTERS (Including Northern VA Higher Ed Center) & Off-Within Hampton Roads:</u>				
Undergraduate (Per Cr Hr)	\$181	\$197	\$507	\$549
Graduate (Per Cr Hr)	\$263	\$285	\$661	\$715
<u>TELETECHNET & OFF-CAMPUS COURSES (Outside Hampton Roads):</u>				
Undergraduate (Per Cr Hr)	\$177	\$192	\$400	\$433
Graduate (Per Cr Hr)	\$263	\$285	\$661	\$715
TELETECHNET USA (Outside Virginia):				
Undergraduate (Per Cr Hr)	\$205	\$221	\$205	\$221
Graduate (Per Cr Hr)	\$305	\$327	\$305	\$327

(1) A graduate teaching or research assistant who has completed a master's degree or its equivalent and is admitted as a matriculated student into a doctoral program and enrolls for and completes a minimum of 6 hours of graduate credit per semester or 3 hours in the summer may be granted a waiver of full tuition and fees.

NOTE: The comprehensive fee includes a student activity fee of \$69.88 per credit hour for Norfolk campus courses, \$40.45 per credit hour for Higher Education Centers, TELETECHNET and off-campus courses. In addition, it is proposed that the asynchronous nursing program tuition rate be increased from \$250 to \$270 per credit hour.

The Committee approved a resolution regarding the financing structure for the North Parking Deck in the University Village. The resolution, which was amended by the Committee and distributed to the Board as a substitute resolution from that included in the printed Agenda, identifies the obligations of the University to include the execution of a Deed of Lease between the University and the Real Estate Foundation. The following substitute resolution was brought forth as a recommendation of the Administration and Finance Committee and was approved by all members present and voting. (*Ampy, Batten, Croshaw, Faeder, Gehman, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne*)

**RESOLUTION OF THE BOARD OF VISITORS OF OLD DOMINION
UNIVERSITY REGARDING THE LEASING OF THE
OLD DOMINION UNIVERSITY
REAL ESTATE FOUNDATION PARKING GARAGE, LLC PROJECT
AND THE ISSUANCE OF BONDS AND OTHER DEBT FOR THE PROJECT**

WHEREAS, the Board of Visitors of Old Dominion University (the University) is supportive and committed to the development and success of the University Village, a partnership between the Old Dominion University Real Estate Foundation (the Foundation) and the Norfolk Redevelopment and Housing Authority (the Authority) in accordance with the Master Plan of University Village (the Master Plan) and the Redevelopment Plan for the Hampton Boulevard Redevelopment Project (the Redevelopment Plan);

WHEREAS, the Authority has been duly activated and is existing and operating as a political subdivision of the Commonwealth of Virginia under the Virginia Housing Authorities Law, Chapter 1, Title 36 of the Code of Virginia of 1950, as amended (the Act);

WHEREAS, under the Act, the Authority has been given the power to issue its revenue bonds from time to time and to use the proceeds thereof for the purpose of paying all or part of the cost of certain facilities, including the Project (hereinafter defined);

WHEREAS, at the request of the Old Dominion University 45th Street Parking Garage, LLC (the Company), a Virginia limited liability company, whose sole member is the Foundation, the Authority is expected to issue its Variable Rate Demand Revenue Bonds (Old Dominion University Real Estate Foundation 45th Street Parking Garage, LLC, Project), Series 2006 (the Series 2006 Bonds), the proceeds of which will be used to (i) finance the construction of a multi-story parking garage also containing a University art gallery and folk art museum on the ground floor to be located on 45th Street near and east of the northeast corner of the intersection of Hampton Boulevard and 45th Street in Norfolk, Virginia (the Project), to be leased by the University, as hereinafter described, (ii) pay the costs of issuance for the Series 2006 Bonds and interest on the Series 2006 Bonds during construction of the Project and (iii) fund a debt service reserve fund;

WHEREAS, in accordance with the authority conferred on the University pursuant to Section 23-38.88 et. seq. of the Code of Virginia which establishes the Restructured Higher Education Financial and Administrative Operations Act allowing public institutions of higher education restructured financial and operational authority as described in subdivision A1 through A13 of Section 23-38.88, the University has the authority to approve and enter into a Deed of Lease with

respect to the Project (the Deed of Lease) to be dated as of May 1, 2006, between the University, as lessee, and the Company, as lessor, whereby the University will agree to pay, as rent, all obligations of the Company and the University under the Financing Documents (hereafter defined) and to maintain and operate the Project;

WHEREAS, the Series 2006 Bonds will be variable rate demand bonds bearing interest at either a weekly or daily rate and subject to optional and mandatory tender under the circumstances set forth in the Trust Indenture (the Indenture) to be dated as of May 1, 2006, entered into by and between the Authority and SunTrust Bank, as Trustee, providing for the issuance of the Series 2006 Bonds;

WHEREAS, the Company and Bank of America, N.A. are expected to enter into an interest rate exchange agreement and related schedules and confirmations (the SWAP Agreement) with respect to the Series 2006 Bonds in order to reduce the interest rate risks associated with variable rate debt and to more clearly define the rental payments under the Deed of Lease;

WHEREAS, the Authority and the Company are expected to enter into a Loan Agreement to be dated as of May 1, 2006 (the Loan Agreement), whereby the proceeds of the Series 2006 Bonds are loaned to the Company to be applied for the purposes set forth above and whereby the Company will execute its promissory note to evidence its obligation to repay such loan;

WHEREAS, contemporaneously with the issuance of the Series 2006 Bonds, (a) CIFG Assurance North America, Inc. (the Bond Insurer) is expected to issue its bond insurance policy (the Bond Insurance Policy) in favor of SunTrust Bank, as Trustee under the Indenture for the account of the Company, obligating the Bond Insurer to pay to the Trustee, in accordance with the terms of the Bond Insurance Policy, the principal of and interest on the Series 2006 Bonds and (b) the Company is expected to enter into a Credit Line Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing to be dated as of May 1, 2006 (the Deed of Trust) creating a lien on the Project to secure payment of the Series 2006 Bonds;

WHEREAS, the Series 2006 Bonds are expected (a) to be sold through negotiation with Banc of America Securities LLC, as Underwriter (the Underwriter), pursuant to a Bond Purchase Contract (the Bond Purchase Contract) to be dated the date of its execution and delivery between the Authority, the Company, the Foundation and the Underwriter and (b) to be remarketed pursuant to a Remarketing and Interest Services Agreement (the Remarketing Agreement) to be dated as of May 1, 2006, between the Authority, the Company and Banc of America Securities LLC, as Remarketing Agent;

WHEREAS, in order to insure the continued remarketing of the Series 2006 Bonds, Bank of America, N.A. (the Liquidity Facility Provider) and the Company are expected to enter into a Standby Bond Purchase Agreement (the Standby Bond Purchase Agreement) to be dated as of May 1, 2006, whereby the Liquidity Facility Provider agrees to purchase unremarketed Series 2006 Bonds;

WHEREAS, a portion of the Project's costs relating to the reserved parking spaces on the ground floor of the Project for the benefit of the adjacent hotel will be financed by the incurrence of a term loan provided by Bank of America, N.A. (the Taxable Loan);

WHEREAS, there has been presented to this meeting drafts of the Indenture, Loan Agreement, Deed of Trust, Deed of Lease, Bond Purchase Contract, Remarketing Agreement, Standby Bond Purchase Agreement and the loan agreement and related note relating to the Taxable Loan in substantially final form (collectively hereinafter referred to as the Financing Documents), together with a draft of an Official Statement (the Official Statement), to be dated on or about April 24, 2006, pursuant to which the Underwriter will furnish certain information regarding the Series 2006 Bonds, the security therefore, the Company, the University and the Bond Insurer, the information concerning the University contained therein having been provided to the Underwriter and the Authority by representatives of the University;

WHEREAS, the maximum indebtedness necessary to construct and equip the Project is currently estimated at \$13,200,000 and is not expected to exceed \$15,000,000;

WHEREAS, the Board desires to authorize and approve the Financing Documents and the SWAP Agreement and to delegate to certain officers of the University the authority to approve the final terms and conditions of the Financing Documents and the SWAP Agreement;

THEREFORE, BE IT RESOLVED as follows:

1. The Board reaffirms its approval and support of the University Village and authorizes the President and the Vice President for Administration and Finance, either of whom may act, to approve or authorize the terms and conditions of the Financing Documents, the SWAP Agreement and any other agreement relating to the Series 2006 Bonds and the Taxable Loan. Such officers of the University are authorized and directed to execute the Financing Documents to which the University is a party and to deliver the Financing Documents to which the University is a party and such other agreements as are necessary and appropriate with respect to the Series 2006 Bonds and the Taxable Loan. If such documents differ in any material respect from those presented, the University officers will confer with the Chairman of the Finance Committee before execution.
2. The appropriate officers of the University are hereby authorized and directed to approve, execute and deliver all certificates, documents, agreements and other instruments as they may consider necessary or appropriate in connection with the financing of the Series 2006 Bonds or the incurrence of the Taxable Loan.
3. The distribution and use by the Underwriter of the Official Statement prepared by disclosure counsel for the Company and the University and based upon information provided by the Company, the University, the Bond Insurer and other parties to the transaction, with such changes to the draft Official Statement presented at this meeting as may be approved by the President or the Vice President for Administration and Finance, upon advice of counsel to the University, is hereby approved, which approval shall be evidenced conclusively by the execution and delivery of the Deed of Lease.
4. All other acts of the officers of the University that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of finance for the Project are hereby approved, ratified and confirmed.

5. The President or the Vice President for Administration and Finance shall report to the Board at its next meeting any material changes to the Financing Documents, the SWAP Agreement or the plan of finance for the Project.

The Committee heard reports from Dillard George, Director of Facilities Management, on a proposed energy performance contract and on deferred maintenance efforts, and from Dale Feltes, Director of Design and Construction, on the new Tri-Cities Center and VMASC facilities along the I-664 Corridor.

In his report, Vice President Fenning briefed the Committee on the reorganization of the Department of Construction and Procurement Services, the Central Hampton Boulevard Study, the Bookstore Request for Proposal process, and efforts to initiate Phase II of the Quad student housing project. He also provided a progress report on activities in the University Village.

The Committee received the standing reports on Capital Outlay projects from Dale Feltes, Director of Design and Construction, and on University Investments from Vice President Alonzo Brandon.

INSTITUTIONAL ADVANCEMENT COMMITTEE

The Vice Rector called on Mr. Jacobson for the report of the Institutional Advancement Committee. Mr. Jacobson reported that Vice President Broderick discussed the 2006 General Assembly session and the current budget impasse. He also shared with the Committee favorable editorials from *The Virginian-Pilot* and the *Richmond Times-Dispatch*.

Alice McAdory, Director of Admissions, presented three-year comparison data of new student applications, admitted students and Freshmen with Distinction. Steve Risch, Director of International Admissions, presented international student enrollment history since 1994 and new student enrollment projections for Fall 2006. Cecelia Tucker, Director of Community Relations, shared information about the Lambert's Point Summer Program.

STUDENT ADVANCEMENT COMMITTEE

The Vice Rector called on Ms. Croshaw for the report of the Student Advancement Committee. Ms. Croshaw reported that after interviewing three candidates in closed session, the Committee approved a resolution to appoint the new student representative to the Board. The following resolution was brought forth as a recommendation of the Student Advancement Committee and was approved by all members present and voting. (*Ampy, Batten, Croshaw, Faeder, Gehman, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne*)

**RESOLUTION APPOINTING STUDENT REPRESENTATIVE
TO THE BOARD OF VISITORS**

RESOLVED, that in accordance with the Board of Visitors Bylaws and upon recommendation of the Student Advancement Committee, the Board of Visitors approves the appointment of Mike Gembitsky as the student representative to the Board, whose normal term shall expire 5 May 2007.

BE IT FURTHER RESOLVED, that in accordance with the Board of Visitors Bylaws and upon recommendation of the Student Advancement Committee, the Board of Visitors approves the appointment of Anshita Kumar as the first alternate student representative, and Adam Perry as the second alternate student representative to the Board of Visitors.

The Committee also approved the proposed revisions to the Student Disciplinary Policies and Procedures. The following resolution was brought forth as a recommendation of the Student Advancement Committee and was approved by all members present and voting. (*Ampy, Batten, Croshaw, Faeder, Gehman, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne*)

**REVISIONS TO THE STUDENT DISCIPLINARY
POLICIES AND PROCEDURES**

RESOLVED, that upon the recommendation of the Student Advancement Committee, the Board of Visitors approve the following revisions to the Student Disciplinary Policies and Procedures, last revised and approved by the Board of Visitors on December 10, 2004. (Proposed changes are in bold print and proposed deletions are stricken.)

**Executive Summary
Substantive Changes to the
Student Disciplinary Policy and Procedures**

Page 3 – Clarify the location of additional text concerning approved policies and procedures.

Violation of University regulations or campus policies approved by either the Board of Visitors or the president and described in official University publications, **e.g. Old Dominion University Catalog, Student Handbook, TELETECHNET Student Handbook.**

Rationale: Students have expressed concern that they were uncertain where to locate detailed text concerning regulations and policies. This addition provides examples of the documents where the policies can be found.

Page 4 – Clarify the location of additional text concerning approved Residence Hall policies.

Violation of University Residence Hall policies_(**consult the Residence Hall Handbook**).

Rationale: Students have expressed concern that they were uncertain where to locate detailed text concerning residence hall policies. This addition directs students to the document where residence hall policies are detailed.

Page 5 – Add information clarifying the recording of sanctions in student disciplinary files.

A student who violates the Code of Student Conduct may be subject to the following sanctions. Sanctions of suspension, dismissal and any sanction resulting from an act of academic dishonesty will be recorded on the student's official University transcript. **All sanctions will be recorded in the student's discipline file, which will be maintained by the Office of Student Judicial Affairs.**

Rationale: This addition provides clarification between disciplinary record notations and transcript notations. Transcript sanction notations occur only in cases of suspension, dismissal and academic dishonesty. However, all sanctions are recorded in the student's disciplinary file.

Page 6 – Add information outlining the policy for determining tuition refunds in cases of suspension.

Disciplinary suspension is the temporary separation of a student from the University. **In cases of disciplinary suspension, tuition refunds will be evaluated in accordance with the Tuition Refund Policy as outlined in the Old Dominion University Catalog.**

Rationale: Clarification is needed to inform students of the process used to determine tuition refunds in cases of disciplinary suspension.

Page 6 – Add information outlining the policy for determining tuition refunds in cases of dismissal.

Disciplinary dismissal is the permanent separation of a student from the University. **In cases of disciplinary dismissal, tuition refunds will be evaluated in accordance with the Tuition Refund Policy as outlined in the Old Dominion University Catalog.**

Rationale: Clarification is needed to inform students of the process used to determine tuition refunds in cases of disciplinary dismissal.

Page 9 – Add information to address hearing arrangements for cases that occur at distance sites.

The accused student will be informed of the alleged violation(s) in writing. The vice president will normally forward relevant evidence to a pre-hearing officer who will promptly schedule a pre-hearing conference with the accused student. **Appropriate arrangements will be made by the hearing officer for students at distance sites.**

Rationale: When an incident occurs involving a student at a distance site the Office of Student Judicial Affairs may arrange for a pre-hearing at the site or conduct the pre-hearing via conference call to resolve the matter. The addition of the text would clarify the options available.

Page 10 – Add information to indicate the distinction of participation in vs. attendance at hearings for distance learners.

The notice shall include the portion of the Code of Student Conduct allegedly violated; the reported circumstances of the alleged violation; and request the student or organizational representative to appear/participate at a specified time, date and place for a hearing. **Other appropriate arrangements will be made by the hearing officer for students at distance sites.**

Rationale: When an incident occurs involving a student at a distance site, the Office of Student Judicial Affairs may arrange for a hearing at the site or schedule a conference call hearing to resolve the matter. In the past distance students who were cited for an alleged violation of the Code of Student Conduct assumed that their physical presence was required on the Norfolk campus for hearings.

Page 11 –Add information to indicate the distinction of participation in vs. attendance at hearings for distance learners.

If the notice of charges requests the appearance/participation of the accused at a hearing, and if the accused fails or refuses to appear/participate, the University hearing officer may, after such investigation that is deemed sufficient: dismiss the charges; take administrative action; or impose a disciplinary penalty.

Rationale: Clarifies the acceptance of participation vs. attendance for distance education incidents and outlines the hearing officer's options for resolution if the accused fails to attend or participate in the hearing.

Page 18 – Add new section clarifying record maintenance

IX. Record Maintenance

Disciplinary files will be maintained and destroyed in accordance with the Commonwealth of Virginia's Records Retention and Disposition Schedule. All disciplinary case resolutions will be recorded in the student's discipline file, which will be retained by the Office of Student Judicial Affairs for a period of five years with the following exceptions:

- A. In cases of disciplinary suspension and disciplinary dismissal the disciplinary file will be retained permanently by the Office of Student Judicial Affairs.**
- B. Records of disciplinary probation (excluding academic dishonesty cases) will be retained for one year after the conclusion of the probationary period.**

Rationale: Information related to record maintenance was previously located under the section titled Sanctions. The addition of this section will clarify our practices.

NUMBER: 1530

TITLE: Student Disciplinary Policies and Procedures

APPROVED: August 27, 1970; Revised April 5, 1979; Revised April 6, 1984; Revised February 14, 1985; Revised February 12, 1987; Revised December 8, 1994; Revised June 20, 1996; Revised June 18, 1998; Revised June 17, 1999; Revised September 14, 2000; Revised June 16, 2001; Revised December 10, 2004; **Revised April 7, 2006**

I. Preamble

Students are expected and required to assume the responsibility for their own behavior and to abide by the laws of the Commonwealth of Virginia and the rules and regulations of Old Dominion University. A student who violates the following general standards of conduct may be subject to administrative actions (as defined in Section III-G), or to one or more disciplinary sanctions (as defined in section ~~VII~~**VII**), whether or not civil authorities choose to prosecute.

II. Authority

Old Dominion University is governed by its Board of Visitors and supported by the Commonwealth of Virginia. The Board is specifically authorized to regulate student conduct by state statute.

III. Definitions

As used in this document, the following terms shall have the meanings ascribed to them as follows:

- A. Vice President for Student ~~Services~~ **Affairs**: The University official who has primary responsibility for the administration of all student discipline. He/she exercises final decision-making authority for cases which have been heard by the Student Conduct Committee. The vice president may delegate all or part of this responsibility to such other persons as he/she deems appropriate;
- B. Code of Student Conduct: The statement of rules and regulations governing student conduct as established by the Board of Visitors and contained in Section ~~IV~~ herein;

- C. Chair: The head of the Student Conduct Committee and presiding officer at Student Conduct Committee hearings; A Vice Chair shall assume the duties of Chair, when the Chair is unavailable.
- D. Student: A person who (1) has been admitted to or has enrolled or intends to enroll at the University, and (2) has not completed a program of study for which she/he was enrolled. Student status continues whether or not the University's academic programs are in session.
- E. The Student Conduct Committee: A faculty/student judicial body authorized to hear and adjudicate alleged violations of the Code of Student Conduct.
- F. Plagiarism: A student will have committed plagiarism if he or she reproduces someone else's work without acknowledging its source; or if a source is cited which the student has not cited or used. Examples of plagiarism include: submitting a research paper obtained from a commercial research service, the Internet, or from another student as if it were original work; making simple changes to borrowed materials while leaving the organization, content, or phraseology intact; or copying material from a source, supplying proper documentation, but leaving out quotation marks. Plagiarism also occurs in a group project if one or more of the members of the group does none of the group's work and participates in none of the group's activities, but attempts to take credit for the work of the group.
- G. Administrative Action: The issuance of an oral or written warning, admonition, reprimand, and/or use of counseling procedures.
- H. University Hearing Officer: The university official or officials assigned by the ~~Vice President for Student Services~~ **vice president for student affairs** to conduct disciplinary proceedings and administrative action.
- I. Disciplinary Proceedings: Those proceedings initiated by a notice of charges and governed by the provisions of Section VIII. The term Disciplinary Proceedings does not include Administrative Action.
- J. Honor Council: A student organization which educates members of the academic community about the University's standards of academic integrity. The Council also monitors student adherence to these standards, and provides panel members to serve on the Student Conduct Committee.

IV. Honor Code

“We, the students of Old Dominion University, aspire to be honest and forthright in our academic endeavors. Therefore, we will practice honesty and integrity and be guided by the tenets of the Monarch Creed. We will meet the challenge to be beyond reproach in our actions and our words. We will conduct ourselves in a manner that commands the dignity and respect that we also give to others.”

V. Code of Student Conduct

University students shall conduct themselves in a manner compatible with the University's educational mission and shall be disciplined only for misconduct adversely affecting that mission. Any student who conspires to commit, or who participates in an action that results in a violation of the Code of Student Conduct, shall be bound by the acts of every person participating in such an action and shall be disciplined accordingly. Specifically, students are subject to disciplinary action for the following:

- A. Academic dishonesty, including but not limited to plagiarism and all forms of academic cheating, and failure to report known violations of the honor pledge;
- B. Forgery, alteration, or misuse of University or other official documents, records, or identification;
- C. Knowingly furnishing false information to the University;
- D. Obstruction or disruption of University operations;
- E. Obstruction or disruption of University-authorized activities;
- F. Physical or violent verbal abuse of any person on property owned or controlled by the University, or at functions sponsored or supervised by the University;
- G. Conduct that threatens or endangers the health or safety of any person, including oneself, on property owned or controlled by the University or at functions sponsored or supervised by the University;
- H. Theft of or damage to University property;
- I. Theft of or intentional damage to private property on premises owned or controlled by the University;
- J. Unauthorized entry of University facilities or property;
- K. Unauthorized access, use or misuse of University property including, but not limited to: attempting to leave the library with library materials which have not been properly borrowed; unauthorized use or misuse of computer equipment, computer accounts, computer software and hardware; or misuse of University telephones;
- L. Violation of University regulations or campus policies approved by either the Board of Visitors or the president and described in official University publications, **e.g. Old Dominion University Catalog, Student Handbook, TELETECHNET Student Handbook**;

- M. Use or possession of alcohol, marijuana, narcotics, illicit drugs, or drug paraphernalia (except as expressly permitted by law or University regulations) on property owned or controlled by the University;
- N. The sale or distribution of marijuana, narcotics, or dangerous drugs (except as expressly permitted by law) on property owned or controlled by the University or at functions sponsored or supervised by the University;
- O. Violation of University Residence Hall policies **(consult the Residence Hall Handbook)**;
- P. Lewd, indecent, or obscene displays ~~or~~ **of** conduct on property owned or controlled by the University or at functions sponsored or supervised by the University or University-related organizations;
- Q. Drunken or disorderly behavior on property owned or controlled by the University or at functions sponsored or supervised by the University or University-related organizations;
- R. Intimidating behavior directed toward any student, faculty member, staff member, or administrator;
- S. Failure to comply with the directions of a University official acting in the performance of his or her duties;
- T. Violation of the University's firearms policy;
- U. Circulating a report or warning that property under University control or supervision may be subject to a bombing, fire, crime, emergency, or other catastrophe, knowing that the report or warning is false;
- V. Tampering with safety equipment or the inappropriate use or possession of safety equipment on property owned or controlled by the University;
- W. Giving false testimony or evidence at any official University hearing or to any university official;
- X. Conduct deemed unlawful by the criminal statutes of the Commonwealth of Virginia or the United States of America and conduct that endangers or threatens the security of the University community;
- Y. Violations of the conditions of a sanction imposed through University disciplinary procedures;
- Z. Violation of the University's sexual assault policy;

AA. The unreasonable use of complimentary materials and/or supplies provided for the benefit or consumption of the University community;

AB. Retaliation.

VI. Violations of Residence Hall Rules and Regulations

It is recognized that living in groups requires a certain amount of tolerance and conformity by all concerned. Rules controlling conduct within housing owned or controlled by the University are promulgated by the Office of ~~Residence Life~~ **Student Housing** to enhance the freedom and comfort of everyone living in the residence halls. These rules, along with procedures for their enforcement and applicable sanctions, are published in the Residence Hall Handbook available from the Office of ~~Residence Life~~ **Student Housing**.

The Old Dominion University Code of Student Conduct and disciplinary procedures apply to all students, including those who live in the residence halls. Alleged violations of the Code by residence hall students will be forwarded to the ~~Vice President for Student Services~~ **vice president for student affairs** or his/her designee.

VII. Sanctions

A student who violates the Code of Student Conduct may be subject to the following sanctions. Sanctions of suspension, dismissal and any sanction resulting from an act of academic dishonesty will be recorded on the student's official University transcript. ~~Other~~ **All** sanctions will be recorded in the student's discipline file, **which will be maintained by the Office of Student Judicial Affairs.** ~~which will be retained by the Judicial Affairs Office for a period of five years. With the exception of cases of academic dishonesty, records of disciplinary probation will be retained for one year after the conclusion of the probationary period.~~

A. Restitution

Restitution may include payment for damage to University property or facilities, payment for damage to the property or person of a member of the University community, and repayment of misappropriated or misused University funds.

B. Disciplinary Probation

Disciplinary probation is a period of fixed duration during which the fitness of a student to continue at the University is evaluated. Disciplinary probation serves as a warning to the student that future violations of the Code of Student Conduct may result in more serious sanctions including suspension or dismissal. Disciplinary probation may include mandatory conditions such as the following by way of illustration:

- Exclusion from privileged or extracurricular activities at the University;
- Suspension of residence privileges in property owned or controlled by the University;
- Mandatory participation in classes, and/or other lawful activities deemed appropriate, as a means of rehabilitating the student found in violation of the Code of Student Conduct.
- A fine of an amount specified by the ~~H~~hearing ~~O~~fficer or Student Conduct Committee and approved by the ~~Vice President for Student Services~~ **vice president for student affairs**.

In cases where misconduct is the result of abuse of alcohol or other drugs, mandatory alcohol or drug education may be a required condition of the probation.

C. Disciplinary Suspension

Disciplinary suspension is the temporary separation of a student from the University. **In cases of disciplinary suspension, tuition refunds will be evaluated in accordance with the Tuition Refund Policy as outlined in the Old Dominion University Catalog.**

D. Disciplinary Dismissal

Disciplinary dismissal is the permanent separation of a student from the University. **In cases of disciplinary dismissal, tuition refunds will be evaluated in accordance with the Tuition Refund Policy as outlined in the Old Dominion University Catalog.**

E. Summary Disciplinary Dismissal

Summary disciplinary dismissal is the immediate separation of a student from the University and is authorized by the Vice President or a designated representative when the continued presence of the student at the University constitutes a danger to the health, safety, or welfare of the University community. At the time a student is summarily dismissed, the student shall be informed of his or her right to a hearing in accordance with the procedures contained in the Student Disciplinary Policies and Procedures. Such hearing shall be held without undue delay and the student shall remain dismissed until the hearing determines the student's status.

F. Minimum Sanctions for Alcohol Violations

First Offense: Probation for one Year, \$50.00 fine, mandatory workshop, parental notification for underage offenses.

Second Offense: Probation for an additional year, \$100.00 fine, additional workshop and or counseling, parental notification.

Third Offense: Suspension for one semester, parental notification.

G. Minimum Sanctions for Illegal Drug Violations

First Offense: Dismissal from University Housing and disciplinary probation for one year; \$50.00 fine, mandatory workshop and parental notification.

Second Offense: Disciplinary suspension

Persons found to be involved in the sale of illegal drugs will be subject to permanent dismissal from the University.

VIII. Disciplinary Procedures

A. Administrative Action Proceedings

Administrative action proceedings are informal investigations conducted by a University ~~H~~hearing ~~O~~fficer for alleged violations of University regulations by a student or a student organization. The hearing officer may take administrative action without instituting disciplinary proceedings, and such action shall be final and not subject to further hearing or appeal. A disciplinary penalty may not be imposed without first instituting disciplinary proceedings pursuant to the Institution of Disciplinary Proceedings.

B. Academic Dishonesty Procedures

1. Faculty members should clearly identify course specific standards which interpret University, college, and departmental policies related to academic integrity. These explanations should appear in the course syllabus and in all other explanations of course requirements. Faculty should require the inclusion of the honor pledge on all academic work submitted for grading.
2. Faculty members who discover evidence of academic dishonesty **may** arrange to meet with the student(s) suspected of the alleged infraction **or** forward the case to the ~~Vice President for Student Services~~ **vice president for student affairs**. At any time faculty members may choose to consult with the ~~Vice President for Student Services~~ **vice president for student affairs** or the Office of **Student** Judicial Affairs.
3. If the student(s) acknowledge(s) the act of academic dishonesty, and the faculty member is satisfied that the incident can be effectively resolved with a grade sanction:
 - a. The faculty member will assign either an F in the course, or an F for the assignment or exam during which the cheating occurred., ~~and~~
 - b. The faculty member will forward a written summary of the incident to the Office of Student Judicial Affairs.

- c. The hearing officer will contact the student to arrange a conference to review the Standards of Conduct related to academic dishonesty.
- d. If the student is currently not on disciplinary probation, the student will be placed on disciplinary probation for one calendar year.
- e. If the student is currently on disciplinary probation, or if the student has previously acknowledged an act of academic dishonesty and received a grade sanction as a result, disciplinary proceedings will be instituted to determine the appropriate disciplinary sanction. Such sanction may include suspension or dismissal from the University.
- f. All official disciplinary sanctions, including grade sanctions, which are assigned to a student as a result of an act of academic dishonesty, will be recorded on the student's official University transcript.
 - 1. In the case of disciplinary sanction of probation assigned for Academic Dishonesty, a student will be given the opportunity to petition the ~~Vice President for Student Services~~ **vice president for student affairs** to have the "Academic Dishonesty" notation removed from his/her transcript if:
 - a. A minimum of one year has elapsed since the sanction was imposed; and
 - b. the student has successfully completed the University's "Academic Integrity Matters" Seminar; and
 - c. the student has not been found in violation of other Honor Code infractions during the student's tenure at the University; and
 - d. there is evidence that the academic dishonesty was not a premeditated act.
 - 2. Students may **not** utilize the grade forgiveness policy ~~petition~~ to retake the class in which the academic dishonesty occurred.
 - 3. The ~~Vice President for Student Services~~ **vice president for student affairs** will notify the petitioner of his/her decision within three weeks of the receipt of the petition.
- 4. If the student denies the allegation of academic dishonesty, or if the faculty member believes the severity of the incident **may** warrant a sanction more severe than disciplinary probation:

- a. The faculty member will forward a written summary of the incident to the University Hearing Officer. The summary must contain copies of all evidence including the names of any known witnesses to the alleged act of academic dishonesty.
 - b. The University ~~H~~hearing ~~O~~fficer will institute formal Disciplinary Proceedings.
 - c. No grade penalty should be assigned by the instructor until the case is finally resolved, including the processes of hearing the student's appeal, if any. If the charges cannot be resolved prior to the end of semester, a grade of "I" should be assigned by the instructor.
 - d. The faculty member will be notified of the final outcome in order that the appropriate grade may be assigned.
5. Students may file a grade appeal if a grade penalty for alleged academic dishonesty violation occurs without proper adherence to the above procedures.

C. Institution of Disciplinary Proceedings

Disciplinary charges brought against a student or a recognized student organization shall be adjudicated in the following manner:

1. Upon written notice of an alleged violation of the Code of Student Conduct disciplinary proceedings shall be instituted by the ~~Vice President for Student Services~~ **vice president for student affairs** or University hearing officer by the issuance of notice of charges. The written notice of complaint may be initiated by faculty, staff, students or through a campus police summons.
2. The accused student will be informed of the alleged violation(s) in writing. The ~~V~~ice ~~P~~resident will normally forward relevant evidence to a ~~P~~re-hearing ~~O~~fficer who will promptly schedule a pre-hearing conference with the accused student. **Appropriate arrangements will be made by the hearing officer for students and distance sites.** The ~~V~~ice ~~P~~resident may choose to bypass the pre-hearing and forward a case directly to a University hearing ~~O~~fficer for the initial hearing. During the pre-hearing conference, the accused student will have the opportunity to discuss and review all evidence as well as ask questions about the charges and the options available for resolution. During this conference the student will be presented with the following options:
 - a. To plead in violation to the charges, waive all rights to a formal hearing and appeal and accept a sanction imposed by the hearing officer; or

- b. To request a formal hearing with the right to appeal.
- 3. Students who fail to attend the pre-hearing conference will be considered in violation of the charges and an appropriate sanction will be imposed. Students who fail to attend a formal hearing will forfeit their right to appeal.

D. Formal Hearing Procedures

- 1. Rights of the Accused Student:
 - a. To be present at the hearing and hear all testimony presented. If a student, who has been properly notified, fails to appear at the scheduled date, time and place for the hearing, the panel may hear the case and make its findings in the student's absence;
 - b. To examine, prior to the hearing, evidence to be presented at the hearing, to the extent that it is available;
 - c. To be provided, prior to the hearing, evidence to be presented at the hearing, to the extent that it is available;
 - d. To question witnesses in accordance with the rules;
 - e. To present evidence in accordance with the rules;
 - f. To remain silent at the hearing.
- 2. The notice of charges and all other written notices shall be delivered by the method deemed most effective by the hearing officer to the student's or organization's address or e-mail address as it then appears on the official records of the University. If the address is not current, other reasonable attempts will be made to deliver the notice. The notice shall include the portion of the Code of Student Conduct allegedly violated; the reported circumstances of the alleged violation; and request the student or organizational representative to appear/participate at a specified time, date and place for a hearing. **Other appropriate arrangements will be made by the hearing officer for students at distance sites.** Failure to have a current address on record with the University or failure to read email sent to the student's University email address shall not invalidate the notice. If the notice is for a formal hearing, a copy of all evidence available at the time of the notice will accompany the notice as well as names of potential witnesses. The accused student will have the opportunity to review all evidence as well as ask questions about the procedures. A copy of these regulations shall accompany each notice of charges. A copy of the notice of charges may be sent to the parent or guardian of a student if the student is dependent as defined in Section 152 of the Internal Revenue Code of 1954.

3. If the notice of charges requests ~~an~~ the appearance/participation of the accused at a hearing, and if ~~a student~~ the accused fails or refuses to appear/participate, the University hearing officer may, after such investigation that is deemed sufficient: dismiss the charges; take administrative action; or impose a disciplinary penalty.
4. Requests for continuance must be timely and made by the student in writing to the hearing officer, who may reschedule the hearing if the request is timely and for good cause. If the hearing officer takes administrative action, the accused student or organization shall be notified in writing of such action and such action shall not be subject to further hearing or appeal. If the hearing officer imposes a disciplinary sanction, the student or organization representative shall be notified in writing of such action. Appeals of disciplinary sanctions imposed at a hearing held in the absence of the accused student or organizational representative shall follow the procedures outlined in the disciplinary procedures.
5. When an accused student or organizational representative appears in response to the notice of charges, the hearing officer shall review the facts of the alleged violations, and the names of witnesses then known to the hearing officer. The student or organizational representative shall be advised that no response is required and that any statement made shall become a part of the official evidence of the case. The accused may advise the hearing officer of any witnesses or evidence supporting the accused's position. The hearing officer shall also advise the accused that if any new evidence is discovered during an investigation subsequent to the hearing, it will be shared with the accused. The accused will have an opportunity to respond to the evidence. In certain cases an advisor may assist the hearing officer.
6. After the hearing with the student or organizational representative and such further investigation as the hearing officer deems necessary, the hearing officer shall proceed as follows: 1) If the hearing officer determines that the alleged violation is not supported by the evidence, the charges shall be dismissed and the accused student so notified. 2) If the hearing officer is satisfied that the violation occurred as alleged, but that no disciplinary sanction should be imposed, the hearing officer may levy administrative action and notify the student accordingly. 3) If the hearing officer is satisfied that the violation occurred as alleged and that a disciplinary penalty should be imposed, the hearing officer shall so notify the accused student or organizational representative, describing the sanction which the hearing officer will impose.
7. The accused may accept the decision and sanction(s) proposed by the hearing officer and waive her/his right to any further hearing or appeal. Or, the accused may reject the decision of the hearing officer and request an appeal hearing before the Student Conduct Committee.

Faculty and other staff who have been involved in the hearing will be notified that the hearing has concluded and provided with any recommendation resulting from the hearing that requires their action.

8. Rules of Procedure:

- a. In cases involving more than one student, the ~~H~~hearing ~~O~~fficer may consolidate the cases for hearing, but shall make separate findings for each accused student.
- b. The accused student may have an adviser of the student's choice present during the hearing. Generally, the adviser shall be present for consultation purposes only and shall not be permitted to speak on the student's behalf. However, an adviser may be permitted to address the committee at the discretion of the ~~H~~hearing ~~O~~fficer. If an accused student elects to be represented by a third party adviser, the accused must provide a signed letter designating that person as their official representative before the university can communicate otherwise privileged information to the adviser.
- c. Rules of common courtesy and decency shall be observed.
- d. The questioning of any person appearing before the ~~H~~hearing ~~O~~fficer by any individual participating in a hearing shall not be in a badgering, unduly repetitious, or irrelevant manner. It shall be at the discretion of the ~~H~~hearing ~~O~~fficer to curtail a participant's further opportunity for questioning if such behavior occurs.
- e. Any person may be dismissed from the hearing who interferes with or obstructs the hearing or who fails to abide by the rulings of the ~~H~~hearing ~~O~~fficer.
- f. The ~~H~~hearing ~~O~~fficer shall have the right to call additional witnesses, require the presentation of additional evidence, and require additional investigation.
- g. A taped or stenographic record of a hearing shall be maintained. The notice, exhibits, taped or stenographic record shall become the record of the case and shall be filed in the Office of the Vice President for Student ~~Services~~ **Affairs**. This hearing record shall be retained for a period of no more than five years.
- h. All hearings shall be closed.

E. Appeal Procedures

1. Only students who have attended and participated in their disciplinary hearing have the right to appeal the decision of the hearing officer. The

appealing student may remain in class pending the outcome of an appeal. However, if the decision of the hearing office is upheld, then sanction will be imposed as of the original date unless the panel affixes a different sanction date.

2. An accused student or organization appealing the decision of the ~~H~~hearing ~~O~~fficer should file a notice of appeal to the Student Conduct Committee via the Office of the Vice President for Student ~~Services~~ Affairs. Such an appeal must be physically received in the ~~V~~ice ~~P~~resident's office within seven business days from the date of the letter containing the findings in the case. The appeal must include the specific grounds for the appeal, and the names of witnesses that the accused student intends to call for the hearing; and it must be personally signed by the student or an organizational officer. The notice of appeal shall contain, at a minimum, a statement of grounds for appeal and a summary statement of the facts supporting such grounds. Grounds for appeal include:

- a. A claim that the decision was not made in accordance with prescribed procedures and identifying the procedures which were not followed;
- b. A claim that the sanction(s) imposed was (were) inappropriate or overly harsh; (sanctions of reprimand and disciplinary probation, except in cases involving restitution, fines or academic dishonesty, are not subject to appeal).
- c. A claim that the decision was clearly erroneous;
- d. New evidence, not available in a previous hearing, which could exonerate the accused student.

F. The Student Conduct Committee

The Student Conduct Committee is the appellate body within the University disciplinary system. It shall hear all appeals of disciplinary sanctions imposed by a hearing officer. It shall consist of: faculty members appointed by the ~~V~~ice ~~P~~resident from a list of nominees submitted by the Faculty Senate or from a list of faculty who have previously served; students appointed by the ~~V~~ice ~~P~~resident from a list of nominees submitted by the Student Government Association or from a list of students who have previously served; and a chair from the faculty appointed by the ~~V~~ice ~~P~~resident. Student nominees should consist primarily of members of the Honor Council. The term of office for these positions shall be one year and shall be renewable.

In order to provide for the prompt consideration and disposition of all cases, appeal hearings shall be conducted according to the following procedures:

1. The ~~V~~ice ~~P~~resident shall initiate a Student Conduct Committee **appeal** hearing by notifying the chair of the need for a hearing and advising him or her of a proposed hearing date. Upon receiving such notice, the chair shall designate two faculty members plus one alternate and two student members plus one alternate of the Student Conduct Committee to serve with the chair on a hearing panel. The chair will preside, but will not vote, except in the event of a tie.
2. The ~~V~~ice ~~P~~resident shall provide written notice to the student who filed the appeal including the date, time, and place of the hearing. This written notice will also contain a statement of the grounds for appeal to be considered by the Committee, the names of witnesses the hearing officer will call to the hearing, and a statement of procedural protection afforded the student as described in section VIII.D.8. This notice shall be delivered, by the most effective means available as determined by the ~~V~~ice ~~P~~resident, to the student's address currently on record with the University. If the student's address is not current, other reasonable attempts will be made to deliver the notice. Failure of the student to have a current address on record with the University shall not invalidate the notice. The notice shall be given (e.g. mailed or delivered) at least seven consecutive days before the hearing date, unless the hearing officer, for good cause, shall fix a shorter time. If a student who has been properly notified fails to appear for the hearing at the scheduled date, time, and place, the hearing panel may hear the evidence and make its findings in the student's absence.
3. A continuance of the hearing date may be requested by either the accused student or the hearing officer. Such requests must be timely and made in writing to the chair, who shall have the authority to reschedule the hearing if the request is timely and for good cause. Usually, only one such continuance is granted to each of the parties. If a continuance is granted, the chair shall notify both the student and the Student Conduct Committee of the new date for the hearing.
4. The format for the hearing shall be as follows: The chair shall call the hearing to order, call the roll of the panel in attendance, note the presence or absence of the student appealing the decision, read the notice of hearing, verify the notice of charges given to the student, report any continuances granted, establish the presence of any adviser for the student, call to the attention of the student any special or unusual procedures to be used during the hearing, and permit the student to state the grounds for the appeal. The Student Conduct Committee shall then determine whether an appeal is substantiated. Only evidence or witnesses that the Chair deems relevant to the stated grounds for appeal will be heard. In certain cases the hearing officer may be assisted by an advisor.

The appeal hearing shall be limited to testimony and evidence related to the grounds for appeal as stated by the accused student. The hearing officer will

brief the panel on the charges and nature of the case, introducing any evidence and witnesses relevant to the appeal. After the hearing officer has introduced and questioned a witness, the witness may then be questioned by the panel members and the accused student, respectively. The accused student shall then have the opportunity to introduce any evidence and witnesses relevant to the grounds for appeal. After the accused student has questioned such a witness, the witness may then be questioned by the panel members and the hearing officer. At the conclusion of the presentation of evidence, the hearing officer and the accused student shall have the opportunity to make summary statements pertaining to the appeal. The Chair shall rule on the relevance of evidence and testimony, if necessary.

5. At the conclusion of the summary statements, the hearing panel shall recess the hearing and meet in executive session (out of the presence of all parties to the hearing) to determine its findings. The panel shall either recommend upholding the findings of the ~~H~~hearing ~~O~~fficer or recommend that the decision of the ~~H~~hearing ~~O~~fficer be overturned. If the panel recommends that the ~~H~~hearing ~~O~~fficer's decision be overturned, the panel shall recommend either a different finding and/or sanction to the Vice President. There shall be no findings to uphold unless a majority of the hearing panel agree that a preponderance of the evidence presented supports the decision of the ~~H~~hearing ~~O~~fficer. All hearing panel members are expected to cast a vote. The ~~C~~hair shall not be entitled to vote, except in the case of a tie vote.
6. Upon making its decision, the Student Conduct Committee shall so advise the ~~Vice President for Student Services~~ **vice president for student affairs** in writing within five business days after the date of the appeal hearing. The ~~V~~ice ~~P~~resident will review the student's appeal and the recommendations of the Student Conduct Committee.

The ~~V~~ice ~~P~~resident examine the record of the case and any additional evidence provided. The ~~V~~ice ~~P~~resident may interview witnesses to the case, or engage in whatever investigation he/she deems appropriate to fully hear the student's appeal. The ~~V~~ice ~~P~~resident shall consider the recommendations of the Student Conduct Committee and may accept or reverse the finding by reducing or increasing the sanctions imposed by the ~~H~~hearing ~~O~~fficer.

Within seven working days after receiving the recommendation of the Student Conduct Committee, the ~~V~~ice ~~P~~resident will advise the accused student of his/her decision concerning the final disposition of the case. The decision of the ~~V~~ice ~~P~~resident is final.

7. Rules of Procedure in Appeal Hearings:

- a. In cases involving more than one student, the ~~Vice President for Student Services~~ **vice president for student affairs** may consolidate the cases for hearing, but the committee shall make separate recommendations for each accused student.
- b. The appealing student may have an adviser of the student's choice present during the hearing. Generally, the adviser shall be present for consultation purposes only and shall not be permitted to speak on the student's behalf. However, an adviser may be permitted to address the committee at the discretion of the chair. If an accused student elects to be represented by a third party adviser, the accused must provide a signed letter designating that person as their official representative before the university can communicate to the adviser otherwise privileged information.
- c. Rules of common courtesy and decency shall be observed.
- d. The questioning of any person appearing before the hearing panel by any individual participating in a hearing shall not be in a badgering, unduly repetitious, or irrelevant manner. It shall be at the discretion of the chair to curtail a participant's further opportunity for questioning if such behavior occurs.
- e. Any person may be dismissed from the hearing who interferes with or obstructs the hearing or who fails to abide by the rulings of the chair.
- f. ~~The Hearing Officer (at a hearing before the Hearing Officer) or the chair (at Student Conduct Committee hearings)~~ **The chair** shall have the right to call additional witnesses, require the presentation of additional evidence, and require additional investigation.
- g. A taped or stenographic record of a hearing shall be maintained. The notice, exhibits, taped or stenographic record, and vote of the panel shall become the record of the case and shall be filed in the Office of the Vice President for Student ~~Services~~ **Affairs**. This hearing record shall be retained for a period of ten years.
- h. All hearings shall be closed.

8. The accused is entitled:

- a. To be present at the hearing and hear all testimony presented. If a student, who has been properly notified, fails to appear at the scheduled date, time, and place for the hearing, the panel may hear the case and make its findings in the student's absence;

- b. To examine, prior to the hearing, evidence to be presented at the hearing, to the extent that it is available;
- c. To be provided, prior to the hearing, with the names of witnesses whom the university hearing officer has asked to appear at the hearing;
- d. To question witnesses in accordance with the rules;
- e. To present evidence in accordance with the rules;
- f. To remain silent during the hearing;

G. Additional Procedures in Cases of Sexual Assault

- 1. The ~~Vice President for Student Services~~ **vice president for student affairs** shall schedule special training for the Student Conduct Committee and the hearing officer(s) once each semester covering the University's policies governing sexual assault, and the special needs of the accuser and the accused in these cases.
- 2. Upon notification of an alleged violation, the accused shall not initiate any contact, directly or indirectly, with the accuser. Retaliation against the accuser or against any witness involved in the case by the accused or others acting on behalf of the accused shall be considered violation of the Code of Student Conduct.
- 3. During a hearing, no evidence may be presented which pertains to the past sexual history of the accuser or of any witness.
- 4. During a hearing, unrelated past sexual history of the accused may not be entered as evidence nor discussed in the hearing.
- 5. The accused and accuser will be notified in writing of the outcome of Disciplinary Proceedings, any sanctions imposed and of the final action taken by the ~~Vice P~~**vice P**resident on any appeal.
- 6. In cases where a sanction of disciplinary suspension or dismissal is imposed, a notation of the sanction will be recorded on the student's official University transcript.
- 7. The accuser shall have the right to have an accompanying advisor throughout a hearing.
- 8. The accuser shall be informed of all witnesses to be called, to the extent known, during a hearing.
- 9. A hearing involving charges of sexual assault shall be closed.

10. All proceedings in cases involving sexual assault will be treated confidentially, to the extent provided by law, and the identities of any involved party will not be disclosed to anyone not directly involved with the University's disciplinary process.

H. Mediation Option

Students seeking to file charges against another student that have arisen out of personal or group conflict may choose the mediation option instead of formal disciplinary proceedings. All parties to the conflict must agree in writing to have their dispute mediated.

The University Hearing Officer may assist the student in determining if the concern should be mediated or handled through the student judicial system.

Mediation is confidential and mediation agreements will be binding. Violation of such agreements may be referred to the student judicial process. The University Hearing Officer using trained, mediators will schedule mediation sessions.

IX. Record Maintenance

Disciplinary files will be maintained and destroyed in accordance with the Commonwealth of Virginia's Records Retention and Disposition Schedule. All disciplinary case resolution will be recorded in the student's discipline file, which will be retained by the Office of Student Judicial Affairs for a period of five years with the following exceptions:

- A. In cases of disciplinary suspension and disciplinary dismissal the disciplinary file will be retained permanently by the Office of Student Judicial Affairs.**
- B. Records of disciplinary probation (excluding academic dishonesty cases) will be retained for one year after the conclusion of the probationary period.**

Ms. Croshaw reported that the Committee also heard a report from Naaila Gray about alternative spring break experiences involving community service activities. She distributed a handout describing some of these experiences.

OLD/UNFINISHED BUSINESS

The Rector asked if there was any old or unfinished business to come before the Board. There was none.

NEW BUSINESS

The Rector asked if there was any new business to come before the Board. There was none.

With no further business to be discussed, the meeting was adjourned at 2:20 p.m.